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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,718	01/23/2004	Bryan Nathan Wilmoth	M005Z/281291	7327
23370	7590	02/02/2006	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,718

Applicant(s)

WILMOTH ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8,10-12 is/are rejected.
- 7) ☐ Claim(s) 4,6,7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029.

With respect to claims 1, 3, 5, Rodriguez '029 teaches a system for cutting a traveling web from a first spool and onto a second spool by feeding a turn-up tape (24) along a transfer track (28) beneath the paper web (20) and to a position adjacent to the nip (52); and a drive assembly (43, i.e., a hand crank) capable of driving the turn-up tape along the transfer track toward the nip, wherein the drive is capable of being powered by manual power or motor power, see figure 1, and on column 8, lines 59-61.

Rodriguez '029 does not explicitly state that the drive is capable of being powered by both manual power and motor power.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus to make the drive capable of being powered by both manual power and motor power in case one of the drive systems fails.

With respect to claim 2, as advanced above, Rodriguez '029 teaches the drive assembly with a drive shaft (108) coupled to a drive wheel (41), the drive assembly with an engaging wheel (55) engaging the turn-up tape between the drive wheel (41), see figure 2.

Claims 8, 10-12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029, in view of Rodriguez, U.S. Patent No. 6305634 B1.

With respect to claims 8 and 10, Rodriguez '029 teaches a system for cutting a traveling web from a first spool and onto a second spool by feeding a turn-up tape (24) along a transfer track (28) beneath the paper web (20) and to a position adjacent to the nip (52), wherein the transfer track has an U-shaped groove without a flexible seal; and a drive assembly (43, i.e., a hand crank) capable of driving the turn-up tape along the transfer track toward the nip, wherein the drive is capable of being powered by manual power or motor power, see figure 1, and on column 8, lines 59-61.

Rodriguez '634 teaches a transfer track with a V-shaped groove (20) with first and second side walls (no reference number) and a flexible seal (18) for transporting the turn-up tape (21), see figure 1.

Rodriguez '029 discloses the claimed invention except for a V-shaped groove for the transfer track along with a flexible seal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the track with a V-shape groove and a flexible seal to prevent any debris from entering as taught in Rodriguez '634 in latter part of the invention.

With respect to claims 11-12, as advanced above, Rodriguez '634 shows an air supply system which controls the air pressure, see figure 5.

Rodriguez '029 and '634 disclose the claimed invention except for an automation mode with a computer for the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus by adding a computer into an automation process since computers are well known and used throughout the industry.¹

With respect to claim 21, the method described in these claims would inherently result from the use of invention of Rodriguez '029 and '634 as advanced above. Rodriguez '634 shows an air supply system which controls the air pressure, see figure 5.

Rodriguez '029 teaches a drive (43) which is manually powered, but it can also be an electric motor, see column 8, lines 59-61.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus by adding a computer into an automation process since computers are well known and used throughout the industry and use both drive systems in the apparatus in case one of the drive systems fails.

Allowable Subject Matter

Claims 13-20 are allowed.

Claims 4, 6-7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claim 13, including all the structural elements recited in the claim, and wherein the second side wall comprises a concave portion.

Response to Arguments

Claims 1, 9, and 13 have been amended.

In light of applicant's amended claims presented on 11/28/05, the obviousness-type double patenting has been withdrawn.

Applicant's arguments with respect to claims 1-3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed on 11/28/05 have been fully considered but they are not persuasive with respect to claim 21.

Examiner has carefully reviewed applicant's arguments/remarks with respect to claim 21, but disagrees with applicant's assessment. Applicant argues that neither Rodriguez '029 nor '634, ~~disclose~~ disclose a single drive that can be powered by both electric motor and manual power.

As noted above, Rodriguez '029 teaches a drive 43 that can be manually powered or automatically powered by an electric motor, see column 8, lines 59-61. Since Rodriguez '029 recognizes the concept of powering the drive into an automatic mode or manual mode, it would have been obvious to one having ordinary skill in the art

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at the time the invention was made to modify the apparatus to make the drive capable of being powered by both manual power and motor power in case one of the drive systems fails.

The added recitation that the drive is capable of being powered by both manual power and motor power necessitated the new grounds of rejection as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947.

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The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

1/17/06

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600